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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

Christine Chang, individually and as Guardian)
 ad litem for Eric Sun, disabled,
 Plaintiff,
 vs.
 Rockridge Manor Condominium, et al.,
 Defendants.

Case No.: C 07 4005 EMC

**[Proposed] ORDER GRANTING
 DEFENDANT ZIMBA'S MOTION TO
 DISMISS PURSUANT TO FRCP
 12(b)(6)/MOTION FOR A MORE
 DEFINITE STATEMENT**

Date:
 Time:
 Courtroom: C
 Magistrate Judge: Edward M. Chen

Complaint Filed: August 3, 2007

The motions of defendant Pamela Zimba (1), to dismiss the first, second and fourth causes of action of plaintiff Christine Chang's Complaint, as asserted in her individual and representative capacities, (2), or in the alternative, for a more definite statement with respect to the said causes of action, and (3), for a more definite statement with respect to plaintiff's third and fifth causes of action, as asserted in her individual and representative capacities, came on for hearing before Honorable _____ on _____, 200_. Ms. Zimba was represented by her counsel, Andrew R. Adler of Boornazian, Jensen & Garthe. Ms. Chang was present in court, appearing in pro per individually and in her capacity as guardian ad litem for Eric Sun. Having reviewed the parties' written and oral arguments, and good cause appearing therefore, the Court made the following orders:

It is hereby ordered that defendant Zimba's motion to dismiss plaintiff Chang's first,

1 second and fourth causes of action, as asserted in her individual and representative capacities, is
2 GRANTED, without leave to amend, on the following grounds:

3 1. Plaintiff's first cause of action is barred by the two-year statute of limitations set out
4 in California CCP §335.1;

5 2. Inasmuch as defendant Zimba represented Ms. Chang and Mr. Sun in the actions
6 that underlie the instant action, and did not issue or utilize any process as against Ms. Chang
7 and/or Mr. Sun, plaintiff's second cause of action fails to state any grounds upon which any relief
8 might be granted as against Ms. Zimba;

9 3. Plaintiff's second cause of action is barred by the two-year statute of limitations set
10 out in California CCP §335.1; and

11 4. Plaintiff's fourth cause of action is barred by the two-year statute of limitations set
12 out in California CCP §335.1.

13 It is further ordered that Ms. Zimba's motion for a more definite statement be GRANTED
14 with respect to plaintiff Chang's third and fifth causes of action, as asserted in her individual and
15 representative capacities, and that plaintiff shall serve and file her amended Complaint, restating
16 her third and fifth causes of action, on or before _____, 200_.

17 IT IS SO ORDERED.

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19 Dated: _____

Judge of The United States District Court

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